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5/18/99

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Westerlage, et al.  
Serial No.: 08/976,294  
Filing Date: November 21, 1997  
Group Art Unit: 2761  
Examiner: E. Cosimano  
Title: METHOD AND APPARATUS FOR DETERMINING  
TAX OF A VEHICLE

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MAY 04 1999

Group 2700

Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Dear Sir:

I hereby certify that this  
correspondence is being deposited  
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Service as first class mail in an  
envelope addressed to: Assistant  
Commissioner for Patents,  
Washington, D.C. 20231, on

April 26, 1999Donna Webb  
NameApril 26, 1999  
Date of SignatureRESPONSE TO EXAMINER'S INTERVIEW SUMMARY

Applicants thank the Examiner for conducting a telephonic interview with them on March 25, 1999 and for recording the substance of the interview in an Interview Summary. Applicants file this Response only to clarify their understanding on several points discussed during the interview. To begin, Applicants disagree with any of the Examiner's remarks that are not consistent with the scope of the claims. For example, in specific regards to Claims 38,

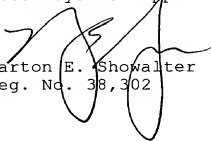
45, and 51, Applicants did not rely on the fact that the transmission condition was repeatable. Moreover, although Applicants used an example in which the vehicle in *Haendel* downloaded data only at the end of the day, the main thrust of Applicants' argument was that *Haendel* only teaches downloading data when the vehicle returns to its home base, regardless of when, or how often, that may occur. Finally, in view of the arguments that Applicants presented, Applicants understand the Examiner to have agreed that the combination of *Gooch* and *Haendel* **does not** "provide a system which would work as claimed."

Conclusions

No fees are believed due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker & Botts, L.L.P.

Respectfully submitted,

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Date: April 26, 1999